



ZACHARY W. CARTER
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, N.Y. 10007

JOHN L. GARCIA
phone: (212) 356-5053
fax: (212) 356-1148
johgarcia@law.nyc.gov

March 7, 2018

VIA ECF

Honorable Lois Bloom
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Jose Leonardo, et. al. v. City of New York, et al.
17-CV-1311 (MKB) (LB)

Your Honor:

I am the Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and that attorney assigned to represent Defendants City of New York, Police Officer Walsh, Police Officer Alban, and Lieutenant Daverin in the above-referenced matter. Defendants write to respectfully request a 60-day extension of the discovery deadline, *i.e.* from March 19, 2018 to May 18, 2018, as well as a corresponding adjournment of the deadline to submit a pre-motion conference application to the Honorable Margo K. Brodie in accordance with her individual rules. Plaintiffs' counsel, Robert Marinelli, Esq., consents to this request. This is the second request for a discovery extension in this matter as the Court granted the parties' first request to extend discovery to the present deadline on January 8, 2018.

There are several reasons for seeking this extension. First, the undersigned was recently assigned this matter and spent a portion of the current discovery period, after the matter was reassigned to me, familiarizing myself with the case file. In the process of doing so, it was determined that document discovery is incomplete. Plaintiffs had not yet provided responses to Defendants' discovery demands, but Plaintiffs have represented that they will do so by March 16, 2018. Additionally, Defendants still require Plaintiffs' medical records. Although Plaintiffs claim that they provided suitable authorizations, Defendants do not have copies. In any event, Plaintiffs have stated that they will provide another set of suitable releases also by March 16th. At which point, Defendants will be able to request Plaintiffs' records from the medical providers.

Further, the parties are in agreement that additional time is needed to complete the depositions of both Plaintiffs and Defendants Walsh and Alban. In addition to regular court appearances and meetings with clients, Defense counsel already has eight depositions and three

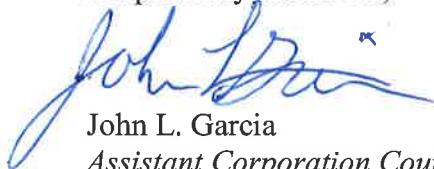
settlement conferences scheduled for March. Additionally, Officer Alban will be unavailable for three weeks in March as he will be out of the country.

Lastly, as Your Honor may recall, Plaintiff Jose Leonardo had commenced a prior action in state court covering the same allegations at issue in this matter. It appears that the prior state court action is still pending. Plaintiff Jose Leonardo has agreed to withdraw the prior state court action, and is awaiting a suitable stipulation from this Office's Torts Division. Because Defendants should not have to duplicate efforts or waste resources on piecemeal litigation, we await confirmation that the state court action has been dismissed before we take Plaintiff's deposition.

For the foregoing reasons, the parties respectfully request that the Court extend discovery from March 19, 2018 to and including May 18, 2018 as well as a corresponding adjournment of the deadline to submit a pre-motion conference application to the Honorable Margo K. Brodie.

Defendants thank the Court for its consideration herein.

Respectfully submitted,



John L. Garcia
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Robert Marinelli, Esq.
Attorney for Plaintiffs
305 Broadway, Suite 1001
New York, New York 10007